

AMENDED IN ASSEMBLY APRIL 13, 2000
AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1932

Introduced by Assembly Member Davis

February 15, 2000

An act to add Section 25664.5 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as amended, Davis. Alcoholic beverages: advertisement: prohibition.

(1) Existing law prohibits the use, in any alcoholic beverage advertisement, of any subject matter, language, or slogan addressed to and intended to encourage minors to drink alcoholic beverages.

This bill would prohibit any person from advertising or causing to be advertised any alcoholic beverage product on an advertising display within 1,000 feet of any ~~child day care facility, elementary school, library, junior high school, or high school, playground, youth center, or building that is used primarily as a place of worship.~~ Because a violation of the act is punishable as a crime, the bill would impose a state-mandated local program by creating new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25664.5 is added to the Business
2 and Professions Code, to read:

3 25664.5. (a) The advertisement of any alcoholic
4 beverage on any outdoor billboard located within 1,000
5 feet of any of the following is prohibited:

6 ~~(1) Public or private elementary schools, junior high~~
7 ~~schools, or high schools.~~

8 ~~(2) Child day care facilities.~~

9 ~~(3) Public libraries.~~

10 ~~(4) Public playgrounds.~~

11 ~~(5) Youth centers.~~

12 ~~(6) Any building that is used primarily as a place of~~
13 ~~worship.~~ feet of any public or private elementary school,
14 junior high school, or high school is prohibited.

15 (b) The distance of 1,000 feet shall be measured in a
16 straight line, without regard to intervening structures,
17 from the nearest point of the advertising structure to the
18 nearest point of the property line of any of the facilities
19 set forth in subdivision (a).

20 (c) This section does not apply where there is a local
21 ordinance or resolution that imposes a complete ban on
22 billboard advertising relating to alcoholic beverages or
23 more restrictive limitations on that advertising than those
24 imposed under this section.

25 (d) No part of this section shall be construed to
26 prohibit the display of a message or advertisement
27 opposing the use of alcoholic beverage products;
28 however, no part of this subdivision shall be construed to
29 permit an advertisement promoting the use of alcoholic
30 beverage products by including a message opposing the

1 use of alcoholic beverage products within that
2 advertisement.

3 SEC. 2. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because the only costs that may be incurred
6 by a local agency or school district will be incurred
7 because this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition
11 of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

